IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31832 of 2007(M)

OS.996/2005 OF MUNSIFF'S COURT, TRIVANDRUM
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PETITIONER:

M/S SUNDARAM HOME FINANCE LTD.,
SHANMUGHAM ROAD, ERNAKULAM,
KOCHI-31, REPRESENTED BY ITS DULY AUTHORISED
OFFICER, MANAGER(RECEIVABLES), S.NARAYANAN,
S/O N.V.SUBRAMANIAN, RESIDING AT JAYA NIVAS,
MANIKKIRI ROAD, ERNAKULAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN
SRI.B.S.SURESH KUMAR

RESPONDENTS: PLAINTIFF & DEFENDANTS
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1. THANKARAJAN, AGED 39 YEARS,
S/O DEVASAHAYAM NADAR, RESIDING AT 'LATHI' NIVAS,
KOLLAMONAM, MANUKULADHI, CHAMANGALAM,
NEMOM VILLAGE, ESTATE P.O.,
THIRUVANANTHAPURAM.

2. C.LATHA, AGED 38 YEARS,
D/O CHELLAMMAL, CENTRAL GOVT. EMPLOYEE,
RESIDING AT VP 1/929, 'MAHAL',
PAMAMCODE ESTATE P.O.,
PALLICHAL VILLAGE, TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.31832 OF 2007

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Dated this the 26th day of October 2007

JUDGMENT

This writ petition is filed for a direction to consider and dispose of Ext.P11 claim application within a time frame. The petitioner is the claim applicant and it is filed under Order 38 of the Code of Civil Procedure contending that it has priority right. The petitioner is claiming superior right in the light of the Central Act 54 of 2002. I find that the matter requires urgent consideration. I, therefore, direct the III Addl.Munsiff's Court, Thiruvananthapuram to consider and dispose of I.A.No.5176/2007 in O.S.996/2005(Ext.P11), i.e. claim petition filed by M/s.Sundaram Home Finance Ltd., as expeditiously as possible, at any rate, within a time frame of 3 months from today.

Needless to say that the court shall hear all concerned before disposal of the matter.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-